

4208-3

1. Considered 1-25, 1978
2. Name of Applicant JIM BROLLIER
3. Post Office Address GETTYSBURG
4. Amount of Water claimed 14.50
5. Source of Water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 1040
7. Water to be diverted and used in POTTER County
about 8N, 12W miles of GETTYSBURG
8. Proof of Publication Received 1-30-78
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

Map No. 1174-3 Water Division No. 3 Missouri River District _____
(Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant James G. Brollier- Margery A Houck & Eugene D Horrell
Postoffice address Ret. Box 43, Gettysburg State South Dakota 57442
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Brollier #2
4. Amount of water claimed (cubic feet per second) 14.5
5. Source of water supply Missouri River
6. Location of point of diversion A point in the SE 1/4 SW 1/4, Section 9, T119N, R78W

- County Potter
April thru October
7. Annual period or periods during which water is to be used _____
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 1,040

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
S 1/2, Sec. 12-T119N-R78W	320		
S 1/2 N 1/2 Sec. 11-T119N-R78W	160		
N 1/2 & N 1/2 SW 1/4, Sec. 19-T119N-R77W	400		
NW 1/4, Sec. 20-T119N-R77W	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Potter County News, Gettysburg, SD
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pumps and motors

B. Works proposed to transport water to place of use.

Mainline

C. Works proposed to apply water to beneficial use.

Center Pivot Sprinkler System

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Hughes
I, James G. Brollier

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Subscribed and sworn to before me this

9th

day of

November

1977

Notary Public (or other qualified officer)

Betty Westlund
Land/Water Clerk II

Margery A Houck
& Eugene D Horrell

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No.

4208-3

JIM BREWSTER
(Applicant)

Rt #3, Box 261, GETTYSBURG
(Post Office Address)

SOUTH DAKOTA 57442
(State)

With the following modifications:

Date of first receipt of application NOVEMBER 9 19 77

Date of return to applicant for correction, amendments or changes required _____ 19 _____

Date of receipt of corrected application JANUARY 30 19 78

Approved MARCH 29 19 78, Recorded in Book 19 Page 274

WATER RIGHT PERMIT NO. 4208-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4208-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 9 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 29 19 81
3. The whole of said work is to be completed on or before NOVEMBER 9 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 9 19 87
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 14.5 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before NOVEMBER 9 19 87; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 30th day of MARCH 19 78

WATER RIGHTS COMMISSION

By:

John H. Harts
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

CONSERVATION COMMISSION
WI #1

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

IMPORTANT: Read Instructions Before Proceeding!!!

NAME JAMES C BROLLIER

ADDRESS Rt 3 Box 43

COUNTY Potter

LEGAL DESCRIPTION:

1. WELL LOCATION OR DIVERSION POINT SE Corner of NW 1/4 of NE 1/4 of SE 1/4 of NE 1/4
2. LOCATION OF AREA TO BE IRRIGATED E 1/2 E 1/2 10, S 1/2 E 1/2 11, N 1/2 E 1/2 11, N 1/2 E 1/2 14, S 1/2 E 1/2 13, Sec 13, N 1/2 24 119-78, N 1/2 19, N 1/2 1/4 SW 19, NW 20 119-77

TYPE OF IRRIGATION:

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____

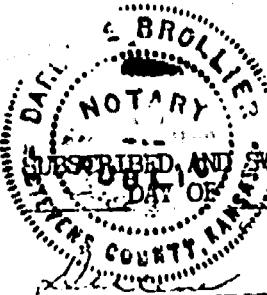
OTHER (SPECIFY) water from Oake Reservoir

4. CROPS TO BE IRRIGATED corn, milo, wheat, alfalfa

WATER QUALITY: (To be completed by SDSU Water Quality Lab)

- | | | |
|--------------------------------------|------------------------------------|---|
| 5. SAMPLE NUMBER | <u>Missouri River Water (USGS)</u> | |
| 6. SALINITY (EC X 10 ³) | <u>700</u> | <u>(average for 1976 - Apr. to Aug. 1978)</u> |
| 7. SODIUM (SAR) | <u>1.86</u> | <u>(average for 1976 - Apr. to Aug. 1978)</u> |
| 8. RESIDUAL SODIUM CARBONATE (meg/1. | <u>0.0</u> | <u>1.0 SAR =</u> |

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Potter County Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.



(TITLE OR SEAL)

James C. Brollier
APPLICANT'S SIGNATURE
Alfred J. [Signature]
APPROVED/DISAPPROVED
2-Approved



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/224-3258

January 5, 1978

Mr. Jim Brollier
Route #3, Box 43
Gettysburg, South Dakota 57442

Dear Mr. Brollier:

This office has no authority to address itself to existing water rights. Therefore, we will act only on that portion of your application which is new. This entails the following legal description:

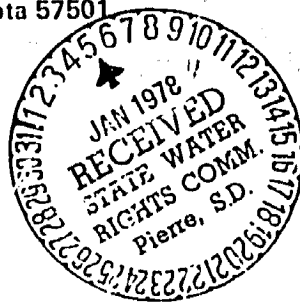
- A) S $\frac{1}{4}$ N $\frac{1}{2}$ -Section 11-119-78 - Approved
- B) S $\frac{1}{2}$ - Section 12-119-78 - Approved
- C) N $\frac{1}{2}$ and N $\frac{1}{2}$ -S $\frac{1}{4}$ 19-119-77 -- Conditionally Approved
NW $\frac{1}{4}$ Section 20-119-77

Sincerely,

Albert L. Griffiths, Director
DIVISION OF CONSERVATION

ALG:d

Enclosures



REC-MGMT/FORM
6/77

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Jim Brollier, Moscow, Kansas (land in Potter County)

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, 3, 4, 5, times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, 3, 4, inches of water.
3. ☒ Yes ☐ No Surface drainage suggested
4. ☐ Yes ☐ No Subsurface drainage suggested
5. ☒ Yes ☐ No Specific land areas that should be avoided
 See attached sheet.

6. ☐ Deep tillage (For the purpose of aiding movement of water through dense subsoils)
7. ☐ Heavy fall application of irrigation water

Copy to Applicant - 1
Copies to Water Rights - 2
Copy to File - 1

Jim Butler, Moscow, Kansas
(SURFACE WATER)

(Land in Potter County)

Attachment # 1

Problems with soil/water compatability would occur on the larger Hoven depressional soils on the NW $\frac{1}{4}$ 19-119-77.

Permeability or movement of water downward would be as slow or slower than evaporation forces. This situation would make for naturally occurring salts of the soil to accumulate on the soil surface and eventually hinders crop production.

A) S $\frac{1}{2}$ N $\frac{1}{2}$ -11-119N-78W

Unit consists of three predominate soils:
Hurley Clay, Timvik silt loam, Moline Complex

No soil/water compatability problems- UNIT A-----APPROVED

E) S $\frac{1}{2}$ 12-119-78

Predominate soils:
DeGray complex (moline degraded
Agar silt loams - -0-6% slope
Hurley Clay
Hoven Silt Loam

The Hoven silt loam is not suited to irrigation, however, it consists of approximately 10 acres and is considered an inclusive with adjacent irrrable soils. Your pivot would operate better if the Hoven depression were drained.

UNIT B ----APPROVED

C) N $\frac{1}{2}$ and N $\frac{1}{2}$ -SW $\frac{1}{4}$ 19: NW $\frac{1}{4}$ 20-119-77

Predominate soils: Agar Silt Loam, Moline Complex, De Gray Complex (Moline)
Hoven Silt Loam - Approximately 15% of Unit C.

The Hoven silt loam is concentrated mostly in the NW $\frac{1}{4}$ Section 19 in such a pattern that a pivot system will not operate without problems of trafficability unless the depressional area and drained. Topography maps indicate surface drainage is feasible.

Conditional permit is granted on conditions that the depressions are drained to a point that water does not pond and limit crop production. On a system that completely skips the depressions would be workable. Monitoring of soils to evaluate potential salt build-up should be a part of your management program.

Publish first publication, on or before January 12, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 6, 1978

Notice is hereby given that James C. Brollier whose post office address is Gettysburg, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 14.5 cubic feet of water per second of time from the Missouri River through the Brollier #2, the point of diversion of which is to be located in the at a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 9 Twp. 119N Range 7EW. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ N $\frac{1}{2}$ Section 11, S $\frac{1}{2}$ Section 12, T119N, R7EW and N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19
and NW $\frac{1}{4}$ Section 20 - T119N, R77W.

This Application No. 4206-3 will be considered by the Water Rights Commission at Pierre, SD upon the 25th day of January, 1978 at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

NOTE: Final Proof of Publication must be received by the hearing date for the Commission to take action. WATER RIGHTS COMMISSION

PETTY WESTLUND
Water Rights Specialist

L

cc: James C. Brollier, Rt 3, Box 43, Gettysburg, SD 57442

No. 4208-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Potter) ss.

I, Jack L. Stoner hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Potter County News

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Gettysburg

County of Potter and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

January 12, 1978

January 19, 1978

Jack L. Stoner
(Signature)

Publisher
(Title)

January 27, 1978
(Date Signed)

NOTICE OF HEARING

on Application to
Appropriate Water

Pierre, S. D. 57501

January 6, 1978

Notice is hereby given that
James C. Brollier whose post
office address is Gettysburg,
South Dakota, has made an
application in accordance
with the provisions of SDCL
46-1-1 thru 46-1-8; 46-2-8 thru
46-2-11, 46-2-13; 46-5-1 thru 46-
5-8, 46-5-10 thru 46-5-22, 46-5-
41, and Commission Rules
ARSD 52:01:01:01 thru
52:01:01:13, for a permit to
appropriate for beneficial
use 14.5 cubic feet of water
per second of time from the
Missouri River through the
Brollier No. 2, the point of
diversion of which is to be
located at a point in the SE $\frac{1}{4}$
SW $\frac{1}{4}$ of Section 9, Twp. 119N
Range 78W. Said water to be
used for the purpose of
providing irrigation on
portions of the following
described land: S $\frac{1}{4}$ N $\frac{1}{2}$
Section 11, S $\frac{1}{4}$ Section 12,
T119N, R78W and N $\frac{1}{2}$,
N $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19 and NW $\frac{1}{4}$
Section 20 -- T119N, R77 W.
This Application No. 4208-3
will be considered by the
Water Rights Commission at
Pierre, SD upon the 25th day
of January, 1978 at 10 a.m.
The Commission is
authorized to make a
determination on this ap-
plication at the hearing. All
interested persons may
appear and be heard. Any
person who may be affected
by a Commission decision
who desires to present
evidence or cross-examine
witnesses according to SDCL
1-25 may notify the Com-
mission in writing prior to
the hearing or orally at the
hearing.

Water Rights Com-
mission

Betty Westlund
Water Rights Specialist
(Jan. 12, 19, 1978)





DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

42083
RECEIVED

MAR 7 1978

DEPT. OF INTERIOR
RESOURCE DEVELOPMENT
3 March 1978

MROOP-N
SD 2SB OXT 1 001546
James Broiller
Irrigation Intake Structure
Missouri River Mile 1162.40L (1960 Mileage)

NOTICE OF PERMIT PENDING

The application of James Broiller, Moscow, Kansas 67952, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests authorization for the modification and improvement of an existing intake structure in the Missouri River at mile 1162.40, left bank (Lake Oahe), located in Section 9, Township 119 North, Range 78 West, Potter County, South Dakota.

The proposed activity would consist of some minor site grading and sloping of the bank to install six 25-horsepower submersible pumps that will pump directly into three 100-horsepower and three 150-horsepower electric booster pumps. The booster pumps will be permanently mounted on a concrete base and connected to a 24 inch buried discharge line. The screen on each of the submersible pumps has been sized to have an intake velocity of 0.5 foot per second or less.

The purpose of the proposed project is to irrigate approximately 2400 acres of cropland.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Federal Water Pollution Control Act Amendments of 1972. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80205.

A preliminary assessment of the proposed action indicates that it is minor in nature and will not result in a significant impact on the quality of the human environment. Accordingly, a preliminary determination has been made that this project does not warrant the preparation of an environmental impact statement.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the

National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. However, presently unknown archeological, scientific, prehistoric, or historic data may be lost or destroyed by work to be accomplished under the requested permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, food production, navigation, recreation, water supply, water quality, and in general, the needs and welfare of the people.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, P.O. Box 5, Omaha, Nebraska 68101.

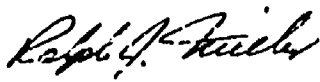
Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 2 April 1978. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 USC 403).

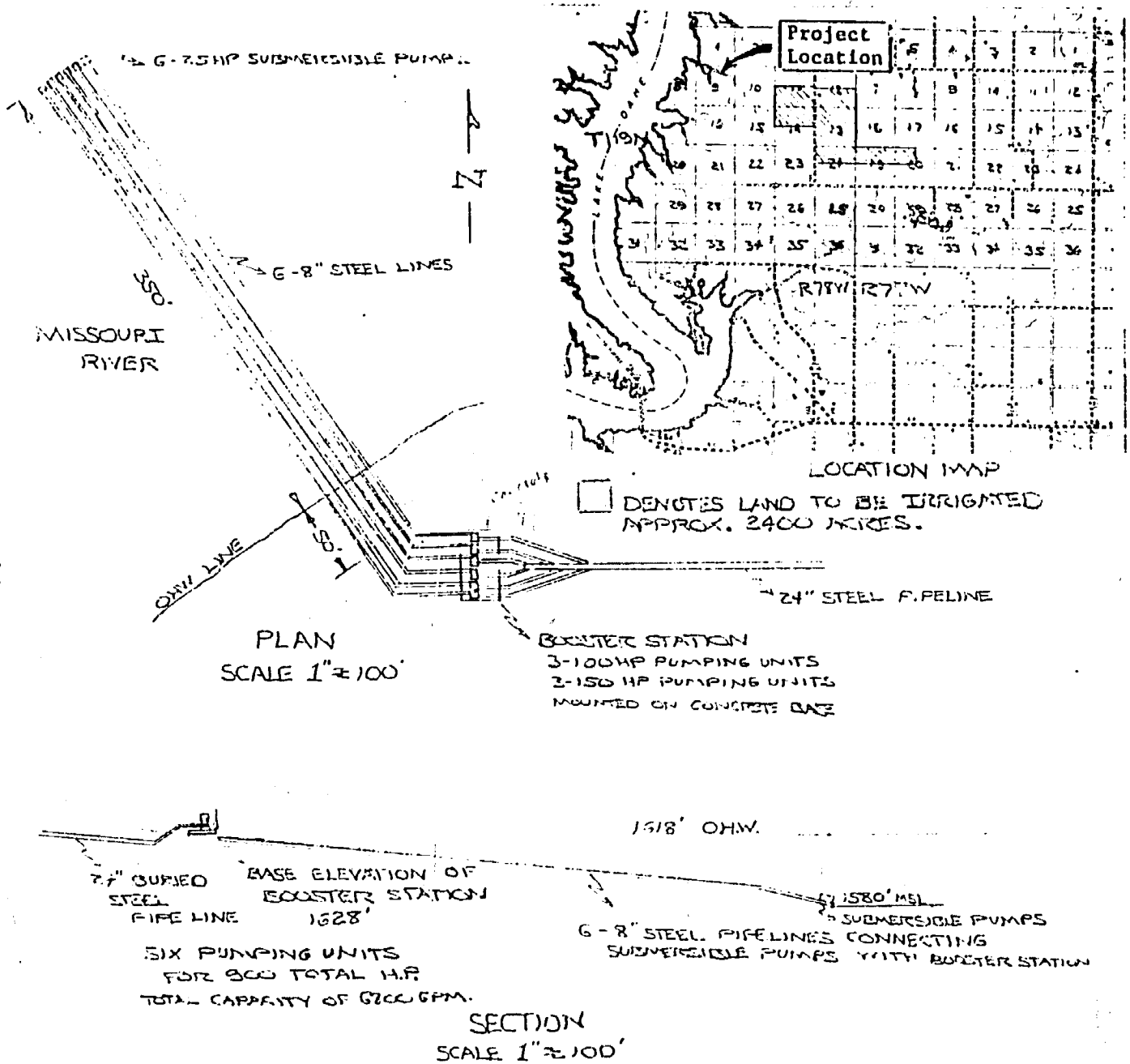
A drawing showing the location and extent of the work is attached to this notice.

FOR THE DISTRICT ENGINEER:

Attachment
As stated


RALPH J. MILLER
Chief, Regulatory Functions Branch
Operations Division

SD 2SB OXT 1 001546



NOTE: ALL ELEVATIONS REFER TO SEA LEVEL DATUM.

SCREEN MATERIAL IS PERFORATED STEEL WITH 1/4" HOLES, STANDARD SPACING AT 5/16", RESULTING OPEN AREA OF 58% EACH SCREEN DESIGNED TO HAVE 0.5 FT/SEC OF LESS ENTRANCE VELOCITY.

PROPOSED PUMPING STATION IN THE MISSOURI RIVER NEAR FORTY EIGHT FORTY FOUR COUNTY, SOUTH DAKOTA APPLICATION BY JAMES BRILLIANT SHEET 1 OF 1 JAN. 78

DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
6014 U. S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

POSTAGE AND FEES PAID
DEPARTMENT OF THE ARMY
DOD-314



FIRST CLASS

PUBLIC NOTICE

JOHN HATCH, CHIEF ENGINEER
DIVISION OF WATER RIGHTS
DEPT. OF NATURAL RESOURCE DEV.
FOSS BUILDING
RIERRE

SD 57501

MRD FORM
1 JUN 73 0156b

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8024

RECEIVED OF Margery A. Houck and Eugene D. Horrell, P.O. Box 261, Gettysburg, SD 57442
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing <u>transfer of WR# 4203-3</u>		2. 50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		2. 50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH 7/80

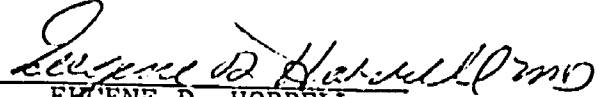
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS.

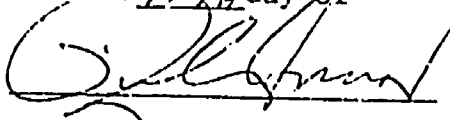
That EUGENE D. HORRELL of Detroit, Michigan, a single person, has made, constituted and appointed and by these presents does make, constitute and appoint ROBERT D. HOUCK of Box 261, Gettysburg, Potter County, South Dakota, his true and lawful attorney for him and in his name, place and stead to represent him in all management decisions concerning the real property purchased by EUGENE D. HORRELL and MARGERY A. HOUCK on November 7, 1980, commonly known in Potter County, South Dakota as the SWANSON-ZIMMERMAN farm in northwest Potter County, South Dakota, and will have the power to do the following:

- (1) Exercise exclusive control over the management and conduct of the business transacted concerning the farmland.
- (2) Contract and incur liabilities for and on behalf of the management of the farm.
- (3) Make all contracts for and on behalf of the management in the conduct of all of its business.
- (4) Employ and discharge employees in respect to the transaction or the business and affairs of operation of the farm.
- (5) Carry on and transact or supervise and control all of the other business of the farm.
- (6) Determine whether or not at any accounting period the profits of the management shall be apportioned and distributed in whole or in part to the owners.

This power of attorney shall remain in full force and effect until written notice of its revocation has been duly served upon Robert D. Houck at his address in Gettysburg, South Dakota.


EUGENE D. HORRELL.

Subscribed and sworn to before me on this 17th day of
December, 1980.


Notary Public

My Commission expires:

RONALD W. CASHNER
Notary Public
My Commission Expires 12/17, 1982

Form 20,

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Pons Building
Pierre, South Dakota 57501

Date: Feb 27, 1984



This is to notify you that title to the lands described as follows:
Lands in Sections 11, 12, 19 and 20 in Township 119 North; Range
78 West; Potter County, South Dakota

formerly owned by James Brollier
has been transferred to Margery A. Houck and Eugene D. Horrell
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 4208-3 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission as
evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
filing fees as required under Section 61.0156 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of Potter) SS.

I, Margery A. Houck being first duly sworn on my oath despose
and say: That my relation to the above described undertaking is that of Owner,
that I have read the above foregoing statement, and I know of my own personal
knowledge that the information herein stated is true.

Margery A. Houck
(Signed)

Subscribed and sworn to before me this 27th day of February

19 84

Robert D. Houck
(Notary Public)

Robert D. Houck, Notary Public
Potter County, South Dakota
My Commission Expires Jan. 19, 1984

STATE OF ^{South Dakota} ~~MICHIGAN~~)
County of Potter) SS

Eugene D. Hettell by

I, Robert D. Houck Attorney in fact, being first duly sworn on my oath
despose and say: That my relation to the above described undertaking
is that of Owner, that I have read the above foregoing statement,
and I know of my own personal knowledge that the information
herein stated is true.

Eugene D. Hettell by
Robert D. Houck Attorney in fact
(Signed)

Subscribed and sworn to before me this 27th day of
February 1981.

Margery A. Houck

(Notary Public)

Margery A. Houck, Notary Public
Potter County, South Dakota
My Commission Expires Nov. 16, 1981.

4208-3



NOV 14 1994

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

5765-3

Margery A. Houck and
Eugene D. Horrell
P.O. Box 202
Gettysburg, SD 57442

Dear Ms. Houck and Mr. Horrell:

Enclosed is Water License No. 5765-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413903 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5765-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

rd
enclosures

NOTE: The applicable portions of Nos. 1628-3 and 4208-3 have been incorporated into this Water License No. 5765-3.